

THE HONORABLE MARVIN J. GARBIS
UNITED STATES DISTRICT JUDGE
DISTRICT OF MARYLAND

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IN THE CHAMBERS OF
MARVIN J. GARBIS

MAY 16 2018

101 WEST LOMBARD STREET - CHAMBERS 5C UNITED STATES DISTRICT COURT
BALTIMORE, MARYLAND 21201

RE: UNITED STATES V. HAROLD T. MARTIN, III

CRIM. NO. MJG-17-0069

SUBJ: UNITED STATES RESPONSE TO DEFENDANT PRO SE MOTION
FOR RETURN OF PROPERTY.

DEAR JUDGE GARBIS:

THE DEFENDANT SEEKS TO REPLY TO THE GOVERNMENT
RESPONSE TO THE PRO SE MOTION FILED FOR RETURN OF THE
DEFENDANT'S PROPERTY, WHILE ACKNOWLEDGING THE COURT'S
MEMORANDUM AND ORDER REGARDING SAME, DATED THE
28TH OF APRIL, 2018.

THE DELAY IN REPLY BY THE DEFENDANT HAS BEEN
DUE TO THE TIME EXPENDED TO GATHER AN ADEQUATELY
DETAILED AFFIDAVIT FROM A WITNESS TO THE SEIZURE
OF PROPERTY, DURING/AFTER THE RAID CONDUCTED ON
AUGUST 28TH, 2016 (JEWELRY COVERED UNDER PARAGRAPH 5.A OF THE
ORIGINAL MOTION), AND ALSO THE INITIATION OF THE CORRECT
PROCEDURE FOR RETURN OF OTHER ITEMS UNDER THE REQUEST
(FIRE ARMS COVERED UNDER PARAGRAPH 5.B). AT THIS TIME,
THE PERSONAL COMPUTERS COVERED UNDER PARAGRAPH 5.C ARE
NOT IN CONTENTION; RETURN AFTER PROCEEDINGS IS ACCEPTABLE.

THIS LETTER WILL ADDRESS THOSE ITEMS IN REVERSE ORDER, DUE TO THE STATE OF AGREEMENT WITH RESPECT TO THE CURRENT DISPOSITION OF EACH SET OF ITEMS (S.A, S.B, S.C).

PERSONAL COMPUTERS (S.C). THE THREE DELL LAPTOPS (PRECISION WORKSTATION M6800, XPS E6400, INSPIRON MINI-10) CAN BE RETURNED AT THE END OF PROCEEDINGS, IT SHOULD BE NOTED THAT ANY COMPETENT FORENSIC LABORATORY WOULD ENSURE THAT RELIANCE ON HARDWARE WAS NOT REQUIRED, I.E., BY CREATION OF VIRTUAL IMAGES OF ALL DISKS AND PRESERVING ALL DATA IMMEDIATELY AFTER SEIZURE, SHOULD THE HARDWARE DEGRADE OR DESTROY. IT IS A MOOT POINT, HOWEVER, AND NOT AT ISSUE.

PERSONAL FIREARMS (S.B). THE CORRECT PROCEDURE, INCLUDING AUTHORIZATIONS, WAS BEGUN AFTER PRO SE REQUEST BY DEFENDANT, PLUS LETTER TO THE COURT, DATED 16 DECEMBER, 2017. UPON THE COURT'S INSTRUCTION FOR RESOLUTION, MOVEMENT OCCURRED DURING THE FEBRUARY-MARCH TIMEFRAME, AND FINAL RESOLUTION IS EXPECTED SHORTLY. NOTED AND RECOGNIZED ALSO ARE THE STRAIGHTFORWARD AND FORTHRIGHT ACTIONS OF FBI SA LAURA PENO, REFLECTING EXEMPLARY PROFESSIONALISM AND INTEGRITY IN HANDLING THIS MATTER. SHE IS TO BE COMMENDED.

PERSONAL JEWELRY (S.A) THE DEFENDANT AND THE GOVERNMENT MAY HAVE TO 'AGREE TO DISAGREE' WITH REGARDS TO THESE ITEMS (WEDDING RING, SIGNET RING, NECKLACE). THE EFFUSIVE AND VITUPERATIVE TONE, ALONG WITH THE PATENT INACCURACY OF THE REPLY, CLAIMING IMPARTUNING BY THE DEFENDANT, NECESSITATES A RESPONSE.

DURING THE POST-RAID EXCITEMENT AND REORIENTATION,
SOME FUMBLING AND MISSTEPS MAY HAVE OCCURRED;
IT WOULD NOT BE HISTORICALLY UNIQUE. THE MEDICATION
OF THE DEFENDANT, FOR EXAMPLE, WAS INCORRECTLY DESCRIBED.
IT IS INDICATIVE OF PERHAPS UNINTENTIONAL NEGLIGENCE,
OVERSIGHT WITH REGARD TO DETAIL, AND IN ANY EVENT, IT IS
SIMPLY MISTAKEN (THE GOVERNMENT REPLY TO DEFENDANT'S MOTION).

THE 'BLOOD PRESSURE' MEDICATION REFERRED TO WAS ACTUALLY
WARFAREN, A BLOOD THINNER, AS THE DEFENDANT HAD AN
OCCURRENCE OF DEEP VEIN THROMBOSES (DVT) BLOOD CLOTTING
IN THE LATE FALL OF 2015 AND WAS UNDER CARE OF A MEDICAL
DOCTOR, ALONG WITH A TREATMENT CLINIC FOR THIS CONDITION.
THE DEFENDANT ALSO HAD A SECOND MEDICATION, CONCERTA,
(FOR ADULT ATTENTION DEFECT/HYPERACTIVITY DISORDER (ADHD)),
THAT WAS ALSO UNDER PRESCRIPTION BY A MEDICAL DOCTOR
(PSYCHIATRIST). THE MEDS WERE REFUSED AT INTAKE BY
THE MARSHALL'S SERVICE IN BALTIMORE, AS A MATTER OF
PROTOCOL, WHICH IS COMPLETELY UNDERSTANDABLE, GIVEN THE
INABILITY TO VERIFY THE ORIGIN OF OPEN CONTAINERS OF
RESTRICTED PRESCRIPTION-ONLY PHARMACEUTICALS.

IRREGARDLESS, THE SUBJECT OF THE LOCATION AND DISPOSITION
OF THE DEFENDANT'S JEWELRY MAY REMAIN AT ISSUE; IT IS STILL
MAINTAINED THAT THE DEFENDANT WAS INSTRUCTED TO SURRENDER
THESE ITEMS AFTER BEING REMOVED FROM HIS RESIDENCE
DURING THE AUGUST 27, 2016 RAID, AND HE HAS A WITNESS TO
THAT EFFECT.

THE DEFENDANT THANKS THE COURT FOR ITS TIME
AND ATTENTION TO THESE ITEMS, IN LIGHT OF THE OVERALL
ISSUES AT HAND.

RESPECTFULLY,

/s/

HAROLD T. MARTIN, III
DEFENDANT

CC: JAMES WYDA, ESQ.

DEBORAH BOAROMAN, ESQ.

ZACHARY MYERS, ESQ.

HARVEY EISENBERG, ESQ.